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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-696

11 **BETH ANN MEDINA, AKA BETH ANN**
12 **LANKFORD, AKA BETH ANN BARBER**
13 **1246 Croke Drive**
14 **Thornton, CO 80260**
15 **Registered Nurse License No. 575012**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

16 Respondent.

17 **FINDINGS OF FACT**

18 1. On or about May 14, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her official
19 capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs, filed Accusation No. 2012-696 against Beth Ann Medina, aka Beth Ann
21 Lankford, aka Beth Ann Barber ("Respondent") before the Board of Registered Nursing.

22 2. On or about December 13, 2000, the Board of Registered Nursing ("Board") issued
23 Registered Nurse License No. 575012 to Respondent. The Registered Nurse License expired on
24 May 31, 2002, and has not been renewed.

25 3. On or about May 14, 2012, Respondent was served by Certified and First Class Mail
26 copies of the Accusation No. 2012-696, Statement to Respondent, Notice of Defense, Request for
27 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
28 Respondent's address of record which, pursuant to California Code of Regulations, title 16,

1 section 1409.1, is required to be reported and maintained with the Board. Respondent's address
2 of record was and is:

3 **1246 Croke Drive**
4 **Thornton, CO 80260.**

5 4. On or about June 13, 2012, Respondent was served by Certified and First Class Mail
6 copies of the Accusation No. 2012-696, Statement to Respondent, Notice of Defense, Request for
7 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
8 the following address which, is Respondent's address on record with the Colorado Board of
9 Registered Nursing where she currently holds an active license:

10 **3761 E. 89th Pl.**
11 **Thornton, CO 80229.**

12 5. Service of the Accusation was effective as a matter of law under the provisions of
13 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
14 124.

15 6. On or about May 30, 2012, the aforementioned documents sent to the 1246 Croke
16 Drive address were returned by the U.S. Postal Service marked "Addressee Unknown." The
17 address on the documents was the same as the address on file with the Board. Respondent failed
18 to maintain an updated address with the Board and the Board has made attempts to serve the
19 Respondent at the address on file. Respondent has not made herself available for service and
20 therefore, has not availed herself of her right to file a notice of defense and appear at hearing.

21 7. On or about June 22, 2012, the Domestic Return Receipt for the aforementioned
22 documents sent via certified mail to the 3761 E. 89th Place address, was returned to the Board
23 indicating that the documents were claimed at the post office.

24 8. Government Code section 11506 states, in pertinent part:

25 (c) The respondent shall be entitled to a hearing on the merits if the respondent
26 files a notice of defense, and the notice shall be deemed a specific denial of all parts
27 of the accusation not expressly admitted. Failure to file a notice of defense shall
28 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

9. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-696.

10. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

11. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2012-696, finds that the charges and allegations in Accusation No. 2012-696, are separately and severally, found to be true and correct by clear and convincing evidence.

12. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$740.00 as of July 3, 2012.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Beth Ann Medina has subjected her Registered Nurse License No. 575012 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case.:

a. **Disciplinary Action by the State of Colorado Board of Nursing.** Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct in that Respondent's registered nurse license was disciplined by the State of Colorado Board of Nursing ("Colorado Board").

1 i. On or about May 11, 2005, pursuant to the Stipulation and Final Agency
2 Order issued by the Colorado Board, in the disciplinary action entitled *In the Matter of*
3 *Disciplinary Proceedings Regarding the License to Practice Professional Nursing in the State of*
4 *Colorado of Beth Ann Lankford, RN, License No. 102955*, case number DLOXX, the Colorado
5 Board suspended Respondent's registered nursing license for a period of at least twelve months
6 and until such time that she enroll in the Colorado Nurse Health Program and comply with all
7 terms and conditions of the treatment plan.

8 ii. The basis for the Stipulation and Final Agency Order is that on or about
9 October 26, 2003, while working in her capacity as a registered nurse at St. Anthony Central
10 Hospital, Respondent provided a urine sample that tested positive for morphine. Respondent
11 diverted morphine from St. Anthony by falsifying patient and controlled substance records and by
12 signing out morphine for patients who did not require morphine for pain control. On or about
13 May 19, 2004, after being diagnosed with an opiate dependency, Respondent enrolled in the
14 Colorado Nurse Health Program. Respondent violated the terms of the Colorado Nurse Health
15 Program when she consumed IV Dilaudid, left in-patient treatment early, and it was determined
16 that she was not safe to practice registered nursing.

17 iii. On or about October 29, 2010, pursuant to the Stipulation and Final
18 Agency Order issued by the Colorado Board, in the disciplinary action entitled *In the Matter of*
19 *Disciplinary Proceedings Regarding the License to Practice Professional Nursing in the State of*
20 *Colorado of Beth Ann Barber, RN, License No. 102955*, case numbers 2004-001150 and 2005-
21 001775, the Colorado Board lifted the suspension on Respondent's registered nursing license
22 solely for the purpose of her participation in the Peer Assistance Services program and for
23 completion of a Colorado Board approved refresher course. The basis for the agreement is that
24 Respondent remained compliant with the terms of her rehabilitation contract with the Colorado
25 Nurse Health Program since October 6, 2009.

26 **b. Unprofessional Conduct.** Respondent is subject to disciplinary action under Code
27 section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct. The
28

1 conduct is more particularly described in paragraph 3, subparagraphs (a)(i-iii), inclusive, above,
2 and herein incorporated by reference.

ORDER

IT IS SO ORDERED that Registered Nurse License No. 575012, heretofore issued to Respondent Beth Ann Medina, aka Beth Ann Lankford, aka Beth Ann Barber is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on NOVEMBER 14, 2012.

It is so ORDERED OCTOBER 15, 2012

Raymond Mallet

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

51129986.DOC
DOJ Matter ID: LA2012506638

Exhibit A

Accusation Case No. 2012-696

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2012-696.

11 **BETH ANN MEDINA, AKA BETH ANN**
12 **LANKFORD, AKA BETH ANN BARBER**
13 **1246 Croke Drive**
Thornton, CO 80260

A C C U S A T I O N

14 **Registered Nurse License No. 575012**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about December 13, 2000, the Board of Registered Nursing ("Board") issued
23 Registered Nurse License Number 575012 to Beth Ann Medina, aka Beth Ann Lankford, aka
24 Beth Ann Barber ("Respondent"). The Registered Nurse License expired on May 31, 2002, and
25 has not been renewed.

26 ///

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

...
(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action ..."

8. Section 2811, subdivision (b) of the Code provides:

"Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board,

1 except that during such eight-year period no examination shall be required as a
2 condition for the reinstatement of any such expired license which has lapsed solely
3 by reason of nonpayment of the renewal fee. After the expiration of such eight-
4 year period the board may require as a condition of reinstatement that the applicant
5 pass such examination as it deems necessary to determine his present fitness to
6 resume the practice of professional nursing."

7 **REGULATORY PROVISIONS**

8 9. California Code of Regulations, title 16, section, 1419.3 provides:

9 "In the event a licensee does not renew his/her license as provided
10 in Section 2811 of the code, the license expires. A licensee
11 renewing pursuant to this section shall furnish a full set of
12 fingerprints as required by and set out in section 1419(b) as a
13 condition of renewal.

14 (a) A licensee may renew a license that has not been expired for
15 more than eight years by paying the renewal and penalty fees as
16 specified in Section 1417 and providing evidence of 30 hours of
17 continuing education taken within the prior two-year period.

18 (b) A licensee may renew a license that has been expired for more
19 than eight years by paying the renewal and penalty fees specified in
20 Section 1417 and providing evidence that he or she holds a current
21 valid active and clear registered nurse license in another state, a
22 United States territory, or Canada, or by passing the Board's current
23 examination for licensure."

24 **COST RECOVERY**

25 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licentiate found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case.

29 **FIRST CAUSE FOR DISCIPLINE**

30 **(Disciplinary Action by the State of Colorado Board of Nursing)**

31 11. Respondent is subject to disciplinary action under Code section 2761, subdivision
32 (a)(4), on the grounds of unprofessional conduct in that Respondent's registered nurse license was
33 disciplined by the State of Colorado Board of Nursing ("Colorado Board").

34 12. On or about May 11, 2005, pursuant to the Stipulation and Final Agency Order
35 issued by the Colorado Board, in the disciplinary action entitled *In the Matter of Disciplinary*

1 *Proceedings Regarding the License to Practice Professional Nursing in the State of Colorado of*
2 *Beth Ann Lankford, RN, License No. 102955, case number DLOXK, the Colorado Board*
3 suspended Respondent's registered nursing license for a period of at least twelve months and until
4 such time that she enroll in the Colorado Nurse Health Program and comply with all terms and
5 conditions of the treatment plan.

6 13. The basis for the Stipulation and Final Agency Order is that on or about October
7 26, 2003, while working in her capacity as a registered nurse at St. Anthony Central Hospital,
8 Respondent provided a urine sample that tested positive for morphine. Respondent diverted
9 morphine from St. Anthony by falsifying patient and controlled substance records and by signing
10 out morphine for patients who did not require morphine for pain control. On or about May 19,
11 2004, after being diagnosed with an opiate dependency, Respondent enrolled in the Colorado
12 Nurse Health Program. Respondent violated the terms of the Colorado Nurse Health Program
13 when she consumed IV Dilaudid, left in-patient treatment early, and it was determined that she
14 was not safe to practice registered nursing.

15 14. On or about October 29, 2010, pursuant to the Stipulation and Final Agency Order
16 issued by the Colorado Board, in the disciplinary action entitled *In the Matter of Disciplinary*
17 *Proceedings Regarding the License to Practice Professional Nursing in the State of Colorado of*
18 *Beth Ann Barber, RN, License No. 102955, case numbers 2004-001150 and 2005-001775, the*
19 Colorado Board lifted the suspension on Respondent's registered nursing license solely for the
20 purpose of her participation in the Peer Assistance Services program and for completion of a
21 Colorado Board approved refresher course. The basis for the agreement is that Respondent
22 remained compliant with the terms of her rehabilitation contract with the Colorado Nurse Health
23 Program since October 6, 2009.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct)**

26 15. Respondent is subject to disciplinary action under Code section 2761, subdivision
27 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more
28 particularly described in paragraphs 12 through 14, inclusive, above, and herein incorporated by

1 reference.

2 **PRAYER**

3 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
4 and that following the hearing, the Board of Registered Nursing issue a decision:

5 1. Revoking or suspending Registered Nurse License Number 575012, issued to Beth
6 Ann Medina, aka Beth Ann Lankford, aka Beth Ann Barber;

7 2. Ordering Beth Ann Medina, aka Beth Ann Lankford, aka Beth Ann Barber to pay the
8 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
9 case, pursuant to Business and Professions Code section 125.3;

10 3. Taking such other and further action as deemed necessary and proper.
11
12

13 DATED: May 14, 2012

14 *for* *Louise Bailey*
15 LOUISE R. BAILEY, M.ED., RN
16 Interim Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California
20 Complainant
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